

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14549, of Charles M. and Judith L. Kupperman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the side yard requirements (Sub-section 3305.1) to construct a rear addition to a dwelling in an R-1-B District at premises 3328 Northampton Street, N.W., (Square 2013, Lot 18).

HEARING DATE: January 28, 1987

DECISION DATE: January 28, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 3328 Northampton Street, N.W., is located on the south side of Northampton Street between Broad Branch Road and 33rd Street, N.W. The site is located in an R-1-B District.

2. The lot is trapezoidal in shape, having a width of 52.97 feet at the front lot line and 7.91 feet at the rear. The east side lot line is perpendicular to Northampton Street. The west side lot line abuts a fifteen foot alley which is parallel to Broad Branch Road but at an angle to Northampton Street.

3. The property is improved with a two-story, colonial, detached single-family dwelling. The existing residence contains 1,344.42 square feet of living space with a kitchen and living room on the first floor and three bedrooms and two baths on the second floor. The structure has a basement and a third floor full attic.

4. The structure was constructed prior to May 12, 1958, the effective date of the current Zoning Regulations on that date the structure became nonconforming with regard to the lot area, lot width and side yard requirements for the R-1-B District. The Zoning Regulations require a minimum lot area of 5,000 square feet. The subject site has a lot area of 3,957 square feet. The minimum lot width required is 50 feet. The subject site has a maximum lot width of 53 feet in the front which tapers to approximately eight feet in the rear yard. The property is directly adjacent to a public alley. The minimum required side yard is eight feet. The site provides an eight foot side yard on the west side of the dwelling (front) which tapers to a one foot side yard in the rear. The side yard to the east of the dwelling provides a 5.5 foot side yard.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking area variances from the side yard requirements (Sub-section 3305.1) to construct a two-story rear addition to the dwelling. The proposed addition will add the space necessary for the applicant to provide a dining area on the first floor level and enlarge a bedroom and a bath on the second floor level.

6. The addition as proposed will extend 15 feet into the rear yard and will be on line with the side alley of the existing dwelling's property line.

7. If the applicant were required to provide an eight foot side yard on the alley side, the width of the addition would be limited to only two and one-half feet due to the trapezoidal nature of the property.

8. The adjacent properties to the east and west of the site are also non-conforming with the side yard requirement. The rear addition to the residence to the east of the site extends approximately 15 feet beyond the rear wall of the dwelling and is one story in height. The addition to the structure located on the lot to the west of the residence is approximately 70 feet from the rear wall of the subject dwelling and is one story in height.

9. The proposed addition to the subject structure will not reduce the width of the existing side yards nor will it cause the property to exceed the permitted lot occupancy or encroach upon a required rear yard.

10. By letter dated January 13, 1987, Advisory Neighborhood Commission (ANC) 3G reported that it voted unanimously not to oppose the subject application.

11. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty that is inherent in the property itself, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan.

The Board concludes that the applicants have met the burden of proof. Sub-section 3305.1 requires a proposed addition will provide no side yard on the west side necessitating a variance of eight feet or 100 percent. The Board concludes that no side yard is currently provided to the west.


The Board concludes that the nonconforming size of the lot, the size of the existing dwelling and its configuration on the site constitutes an exceptional condition of the property. The Board further concludes that no reasonable addition could be made to the existing structure without the granting of a variance.

The Board further concludes that the proposed addition will not be objectionable to nearby property owners. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 8 of the record.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Lindsley Williams and Carrie L. Thornhill to grant;
Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: _____

MAR 5 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14549order/LJP16